

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
October 3, 2011  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER JR.  
COUNCIL MEMBER TERESA R. MACALUSO  
COUNCIL MEMBER JEFFREY M. SMITH  
MAYOR GRAHAM**

**ALSO PRESENT:**   **MARY M. CORRIVEAU, CITY MANAGER  
CITY ATTORNEY ROBERT J. SLYE**

**City staff present:** Jim Mills, Ken Mix, Kurt Hauk, Elliott Nelson, Gene Hayes, Chief Dale Herman, Beth Morris

The City Manager presented the following reports to Council:

- 1 - Amendment No. 82 to the Management And Management Confidential Pay Plan
- 2 - Approving Section 5311 Annual Operating Assistance Grant Application
- 3- Approving Supplemental Agreement No. 1 to Federal Aid Highway and Marchiselli Aid Project Agreement, Contract No. D031963, PIN 7753.11, Arsenal Street and Washington Street (VPP), Construction/Construction Inspection
- 4- Local Law No. 3 of 2011 Amending Section 2 of the Watertown City Charter Re-Describing the Boundaries of the City of Watertown
- 5- Merline Avenue – Infrastructure Installation
- 6- City Owned Property, 138 Court Street
- 7- Bishop Street Lighting
- 8- Water Shut-Offs
- 9- Board and Commission Appointments

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 19, 2011 was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

## **PROCLAMATION**

Mayor Graham interrupted the regular course of business to proclaim the month of October 2011 to be National Disability Employment Awareness Month for the City of Watertown. The Proclamation was accepted by Terri Fulmer from the Disabled Person Action Organization.

Mayor Graham interrupted the regular course of business to proclaim the week of October 9-15, 2011 to be Fire Prevention Week in the City of Watertown. The Proclamation was accepted by Fire Chief Dale Herman.

## **COMMUNICATIONS**

A petition was received with approximately 11 signatures opposing the proposed zone change from Residential A to Neighborhood Business requested by Sunoco for the property at 1222 Washington Street.

A letter was received from Brian J. Burri of Bergmann Associates withdrawing their request for a zone change for 1222 Washington Street.

An unsigned letter was received from the Residents of Evergreen Court on LeRay Street concerning a dump behind Lennox Mobile Home Site.

**Above communications placed on file in the office of the City Clerk**

## **PRIVILEGE OF THE FLOOR**

No one addressed the chair during the privilege of the floor.

## **PUBLIC HEARING**

**Public Hearing concerning the Ordinance Approving The Zone Change Request Submitted by Brian J. Burri of Bergmann Associates on Behalf of Sunoco to Change the Approved Zoning Classification of the Rear Section of 1222 Washington Street, Parcel Numbers 14-13-201 and 14-13-232, from Residence A to Neighborhood Business was cancelled due to the withdrawal of the Zone Change Request by Brian J Burri of Bergmann Associates.**

## **RESOLUTIONS**

### **Introduced by Council Member Roxanne M. Burns**

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 82 to the Management and Management Confidential Pay Plan, effective October 4, as follows:

Position	Salary
Executive Secretary to the Civil Service Commission	\$ 48,095

### **Seconded by Council Member Teresa R. Macaluso and carried with all voting yea**

### **Introduced by Council Member Jeffrey M. Smith**

WHEREAS Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States, and

WHEREAS the City of Watertown may make application annually to the New York State Department of Transportation for such Federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in Watertown, New York, and

WHEREAS the City of Watertown is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311 to provide public mass transportation service for the City of Watertown and its environs for the 2011-13 Fiscal Years, and

WHEREAS the City of Watertown has entered into a continuing agreement with the State of New York, with a term from July 1, 2002 through June 30, 2012,

NOW THEREFORE BE IT RESOLVED that City Manager Mary M. Corriveau is authorized and directed to execute the Section 5311 Operating Assistance Application on behalf of the City of Watertown, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is authorized to sign any contracts or agreements between the City of Watertown and any third party subcontractor necessary to complete this public transportation project.

### **Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown received approval from the New York State Department of Transportation through the American Recovery and Reinvestment Act of 2009 for full federal share for the cost to pave Washington Street, from the city limit to Flower Avenue, and the 100 and 200 blocks of Arsenal Street, for an amount not to exceed \$500,000, and

WHEREAS the City of Watertown participated in the Vendor Paving Project for Arsenal Street and Washington Street under Contract D031963, PIN 775311, and

WHEREAS this project is now complete with a final cost of \$277,116, and

WHEREAS the New York State Department of Transportation has now submitted Supplemental Agreement No. 1 to Contract No. D031963, PIN 775311 to close out this project,

NOW THEREFORE BE IT RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute Supplemental Agreement No. 1 to Contract No. D031963, PIN 7753.11, subject to the City Attorney's approval as to form and content, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to Supplemental Agreement No. 1, and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea**

Prior to the vote on the foregoing resolution, Council Member Butler inquired if the total funding for project was covered by the American Recovery and Reinvestment Act of 2009.

Mrs. Corriveau responded that the grant will be covering \$277,116 and the remaining funds would come from the CHIPS fund.

**ORDINANCES**

**The Ordinance "Approving The Zone Change Request Submitted by Brian J. Burri of Bergmann Associates on Behalf of Sunoco to Change the Approved Zoning Classification of the Rear Section of 1222 Washington Street, Parcel Numbers 14-13-201 and 14-13-232, from Residence A to Neighborhood Business". (Introduced on September 19, 2011; appears in its entirety on page 252 of the 2011 Minutes Book).**

**Council Member Roxanne M. Burns withdrew the introduction of the ordinance.**

**Council Member Teresa R. Macaluso withdrew the second of the ordinance.**

## LOCAL LAW

### Introduced by Council Member Jeffrey M. Smith

BE IT ENACTED by the City Council of the City of Watertown that Section 2 of the City Charter shall be amended to read as follows:

§ 2. The territory within the following boundaries shall constitute the City of Watertown:

BEGINNING at a point on the southerly bank of the Black River on the prolongation of the centerline of Hunt Street (formerly called the Cold Creek crossroad), said point formerly described as being 49.50 feet from the water's edge of the Black River, and said point now located about 40 feet southerly from the southerly bank of the Black River at high water mark;

THENCE from said point of beginning, S13°27'49"W, along the prolongation of the centerline of Hunt Street, a distance of 37.52 feet to a city boundary monument found in the centerline of the present macadam surface of Hunt Street, and 15.5 feet southerly from the centerline of the present macadam surface of Huntington Street;

THENCE continuing S13°27'49"W, along the centerline of Hunt Street, a distance of 748.57 feet to a city boundary monument found marking an angle point in the said centerline, said monument being located on the westerly edge of the present macadam surface of Hunt street;

THENCE S10°48'43"E, along the centerline of Hunt Street, a distance of 306.53 feet to a city boundary monument found marking an angle point in the said centerline, said monument being located on the easterly edge of the present macadam surface of Hunt Street;

THENCE S13°49'11"W, along the centerline of Hunt Street, a distance of 1886.29 feet to a city boundary monument with brass disc marked "City Bndry Mon 1997", found; said monument being located 7.5 feet easterly from the centerline of the present macadam surface of Hunt Street, and 32.5 feet northerly from the centerline of the present macadam surface of State Street;

THENCE continuing S13°49'11"W, a distance of 33.18 feet to the intersection of the centerline of Hunt Street with the centerline of State Street;

THENCE S69°38'11"E, along the centerline of State Street, a distance of 113.41 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found at the intersection of the said centerline with the centerline of Gifford Street, said monument being located in the centerline of the present macadam surface of State Street, and 25 feet westerly from the centerline of the present macadam surface of Gifford Street;

THENCE S04°05'49"W, along the centerline of Gifford Street, a distance of 1116.22 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found and being located 0.8 feet westerly from the centerline of the present macadam surface of Gifford Street, and 48 feet southerly from the centerline of the present surface of Olmsted Drive;

THENCE S04°08'22"E, along the centerline of Gifford Street as it previously existed, a distance of 410.09 feet to a corner of the original city boundary as described in Section Two of Title One of Chapter Seven Hundred and Fourteen of the laws of Eighteen Hundred and Sixty Nine, said corner being marked by a P-K nail found 17.3 feet easterly from the centerline of the present macadam surface of Gifford Street, and 2.8 feet westerly from the face of curb on the east side of Gifford Street;

THENCE S65°53'28"W, along the original city boundary, a distance of 18.55 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found in the centerline of the present surface of Gifford Street;

THENCE continuing S65°53'28"W, an additional distance of 26.36 feet to a point on the westerly margin of Gifford Street as it existed in 1946, said point found on a gabion wall (1997), said point also being located N65°53'28"E, a distance of 26.36 feet from the same concrete monument with brass disc marked "City Bndry Mon 1997", mentioned in the last course;

THENCE from said point on the gabion wall, S06°26'13"E, along the westerly margin of Gifford Street, as it existed in 1946, a distance of 621.87 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found on the easterly boundary of the 148 acre parcel of land conveyed to the City of Watertown, New York by Catherine Boyer et al by Deed dated June 24, 1946 and recorded in the Jefferson County Clerk's Office on December 3, 1946 in Book 471 of Deeds at page 362, said monument being located 24.5 feet westerly from the centerline of the present macadam surface of Gifford Street;

THENCE S18°32'47"W, along the easterly boundary of the said 148 acre parcel, a distance of 856.74 feet to a concrete monument with brass disc marked "City Bndry Mon 1997", said monument found marking the southeasterly corner of said 148 acre parcel, said monument being located 6 feet northerly from the northerly end of a macadam driveway on the northerly side of Crane Lane, said driveway being located about 390 feet westerly from the center of Gifford Street;

THENCE N79°51'54"W, along the southerly boundary of the said 148 acre parcel, a distance of 355.04 feet to a concrete monument with brass disc marked "City Bndry Mon 1997", said monument being found at the northeasterly intersection of two ATV trails;

THENCE continuing N79°51'54"W, along the said southerly boundary, a distance of 21.00 feet to a 2" steel fence post found in concrete marking an angle point in the said boundary;

THENCE S54°31'54"W, along the southeasterly boundary of the said 148 acre parcel, a distance of 731.30 feet to a concrete monument marked DPP found marking an angle point in the said southeasterly boundary, said monument being located southeasterly about 120 feet from the south end of the men's white tee on the 10<sup>th</sup> hole of the Watertown Golf Course;

THENCE S42°57'32"W, along the said southeasterly boundary, a distance of 659.74 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found in the remains of an

old barbed wire fence line and stone row, marking the southeast corner of the said 148 acre parcel, said monument being located southerly about 230 feet from the center of the 7th green of the Watertown Golf Course;

THENCE N73°40'29"W, along the southerly boundary of the said 148 acre parcel, a distance of 1253.51 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found marking the southwest corner of the said 148 acre parcel, said monument being located about 50 feet easterly from the 6<sup>th</sup> green on the Watertown Golf Course;

THENCE N03°06'46"E, along the west boundary of the said 148 acre parcel, a distance of 14.00 feet to a concrete monument found marked DPP, said monument also being easterly of the 6<sup>th</sup> green on the Watertown Golf Course;

THENCE continuing N03°06'46"E, along the said west boundary, a distance of 659.74 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found on the original city boundary, said monument being located about 50 feet southeasterly from the 16<sup>th</sup> green on the Watertown Golf Course;

THENCE S65°53'28"W, along the original city boundary, a distance of 2344.60 feet to a stone monument found on the easterly edge of Gotham Street, said monument being located 22 feet southerly from the centerline of the present macadam surface of Gotham Street, and about 1600 feet southeasterly from the entrance to the City of Watertown Thompson Park;

THENCE continuing S65°53'28"W, along the original city boundary, a distance of 4331.29 feet to a concrete monument with brass disc marked "CITY BNDRY MON 2011" set at the most northeasterly corner of the Samaritan Medical Annexation of 2011;

THENCE S00°33'57"E along the new (2011) city boundary to a concrete monument with brass disc marked "CITY BNDRY MON 2011" set at the most southeasterly corner of the Samaritan Medical Annexation of 2011;

THENCE S89°26'03"W along the new (2011) city boundary, a distance of 676.79 feet to a concrete monument with brass disc marked "CITY BNDRY MON 2011" set at the most southwesterly corner of the Samaritan Medical Annexation of 2011; said monument also on the original city boundary;

THENCE S65°53'28"W, along the original city boundary, a distance of 887.45 feet to a city boundary monument found on the westerly edge of the sidewalk on the easterly side of Washington Street, said monument being located about 29 feet easterly from the centerline of the present macadam surface of Washington Street;

THENCE continuing S65°53'28"W, a distance of 2.72 feet to a point;

THENCE N57°25'30"W, a distance of 4389.11 feet to a point on a city boundary monument found 11.5 feet northerly from the centerline of the present macadam surface of Holcomb Street,

said point being located 0.08 feet southwesterly from the center of the said monument, and said monument being located about 2100 feet southwesterly from the center of Barben Avenue;

THENCE continuing N57°25'30"W, a distance of 1465.11 feet to a point on a city boundary monument found 22 feet south from the centerline of the present macadam surface of Ives Street, at House No. 1409, said point being located 0.02 feet northeasterly from the center of the said monument;

THENCE continuing N57°25'30"W, a distance of 2794.45 feet to a city boundary monument found 6 feet southerly from the centerline of the present macadam surface of Massey Street, and about 50 feet westerly from Conrail Drive;

THENCE continuing N57°25'30"W, a distance of 1981.74 feet to a point in a swamp about 250 feet easterly from the Interstate Route 81 right-of-way;

THENCE N03°38'29"E, a distance of 60.00 feet to a found concrete monument with brass disc marked "City Bndry Mon 1997" found in a thorn apple thicket 124 feet easterly from a point in the easterly right-of-way fence of Interstate Route 81, and said point in the right-of-way fence being located southerly a distance of 165 feet from a sign that reads "Lodging Exit 45", and said monument being located S13°09'23"E, a distance of 512.99 feet from a concrete monument with brass disc marked "City Ref. Mon 1997", said reference monument being located 14.5 feet easterly from the easterly edge of the easterly shoulder of Interstate Route 81 opposite mile marker "152", said reference monument also being located 316 feet northerly from the aforementioned "Lodging Exit 45" sign;

THENCE continuing N03°38'29"E, a distance of 3966.43 feet to a city boundary monument found on the southerly edge of Arsenal Street at the Interstate Route 81 Exit 45 northbound exit ramp, said monument being located 8.5 feet easterly from the centerline of the present macadam surface of the said off ramp, and 31 feet southerly from the centerline of the present surface of Arsenal Street;

THENCE N12°34'29"E, a distance of 144.36 feet to a point in the easterly highway limits of Interstate Route 81 in the division line between the City of Watertown to the east and the Town of Watertown to the west, said point also being located a direct tie of N15°18'19"W, a distance of 6.06 feet from a ½" iron pipe found at the intersection of the easterly highway limits of Interstate Route 81 and the northerly street margin of Arsenal Street; said point marking the southwest corner of lands annexed to the City of Watertown by Local Law No. 5 of 2005; (VISION DEVELOPMENT)

THENCE N15°18'19"W, along said highway limits a distance of 273.93 feet to a concrete highway monument found;

THENCE N00°03'08"W, along said highway limits passing through an iron pipe found at 9.75 feet and continuing a total distance of 580.64 feet to a concrete highway monument found;



THENCE in a generally northeasterly direction along said highway limits and along a curve to the right at a radius of 6850.0 feet, passing through an iron pipe found at 1338.92 feet, and continuing a total distance of 1810.96 feet to a point, said point being situate a direct tie of N07°35'11"E, and a direct tie distance of 1805.69 feet from the last mentioned concrete highway monument;

THENCE S82°22'08"E, a distance of 413.58 feet to a point in the division line between the City of Watertown to the east and the Town of Watertown to the west; said point marking the northeast corner of lands annexed to the City of Watertown by Local Law No. 5 of 2005; (VISION DEVELOPMENT)

THENCE N12°34'29"E, along the existing division line between the City of Watertown to the east and the Town of Watertown to the west, a distance of 842.30 feet to a point; said point marking the southeast corner of lands annexed to the City of Watertown by Local Law No. 1 of 1998; (TOPED DEVELOPMENT)

THENCE N67°05'36"W, along the division line between TOPED DEVELOPMENT on the north and SHERWOOD MEDICAL COMPANY on the south, a distance of 309.75 feet to a concrete highway monument found in the easterly highway limits of Interstate Route 81;

THENCE in a generally northeasterly direction along said highway limits and along a curve to the right at a radius of 6850.0 feet, a distance of 580.17 feet to a concrete highway monument found, said monument being found a direct tie of N25°24'04"E and a direct tie distance of 580.00 feet from the last mentioned highway monument;

THENCE N53°14'19"E, along said highway limits, a distance of 58.85 feet to an iron pipe found;

THENCE S71°48'41"E, along the division line between TOPED DEVELOPMENT on the south and CRACKER BARREL RESTAURANT on the north, a distance of 138.28 feet to a point in the division line between the City of Watertown to the east and the Town of Watertown to the west; said point marking the northeast corner of lands annexed to the City of Watertown by Local Law No. 1 of 1998; (TOPED DEVELOPMENT)

THENCE N12°34'29"E, along the division line between the City of Watertown to the east and the Town of Watertown to the west, a distance of 484.29 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found on the southerly side of Coffeen Street, 12 feet from the south edge of the shoulder of Coffeen Street, and about 100 feet westerly from the Interstate Route 81 Exit 46 northbound exit ramp;

THENCE N68°35'50"E along the division line between the City of Watertown on the southeast and the Town of Watertown on the northwest, a distance of 687.15 feet to a point in the southeasterly highway margin of Interstate Route 81; said point marking the southwesterly corner of lands annexed to the City of Watertown by Local Law No. 1 of 2005; (81 FRONT ST. DEVELOPMENT)

THENCE N15°44'27"E along the southeasterly highway margin of Interstate Route 81, a distance of 110.75 feet to an iron pipe found;

THENCE N17°04'39"W along the southeasterly highway margin of Interstate Route 81, a distance of 421.59 feet to an iron pipe found;

THENCE in a generally northeasterly direction along said highway margin and along a curve to the right at a radius of 6850.0 feet, passing through a concrete highway monument at a distance of 660.60 feet, (said monument being located 1 foot easterly from the highway right-of-way fence line and about 500 feet southerly from mile marker "154"), and continuing a total distance of 1731.81 feet to a concrete highway monument found, said monument being found a direct tie of N47°30'19"E, and a direct tie distance of 1727.20 feet from the last mentioned iron pipe; said monument also being located 1 foot westerly of the highway right-of-way fence line at the "Exit 47 ¾ Mile" sign;

THENCE N54°46'11"E, along the southeast margin of Interstate Route 81, a distance of 944.34 feet to a concrete highway monument found on the southeasterly margin of Interstate Route 81, said monument being located 4 feet southerly from the end of the said highway fence line, and about 46 feet southerly from the southerly bank of the Black River at high water mark;

THENCE continuing N54°46'11"E, along the southeasterly margin of Interstate Route 81, a distance of 30.30 feet to a concrete monument with brass disc marked "City Bndry Mon 1997", said monument being located about 16 feet southerly from the southerly bank of the Black River at high water mark;

THENCE continuing N54°46'11"E, along the southeast margin of Interstate Route 81, a distance of 145.37 feet to a point in the center of the Black River;

THENCE in a generally southeasterly direction, upriver along the centerline thread of the Black River, a distance of about 1490 feet to a point on the original city boundary, said point being located a direct tie of S37°23'21"E, and a direct tie distance of 1454.14 feet from the last mentioned point;

THENCE N68°35'50"E, along the original city boundary, a distance of 475.73 feet to a point in the southbound lane of New York State Route 12E, (Main St. W), said point being located S21°24'10"E, a distance of 2.30 feet from a found city boundary monument, said monument being located about 1600 feet south from Interstate Route 81;

THENCE continuing N68°35'50"E, along the original city boundary, a distance of 3177.40 feet to an 8" square stone monument found at the westerly edge of the present macadam surface of Bradley Street (1997), said stone monument also found about 185 feet westerly from the centerline of railroad tracks crossing Bradley Street;

THENCE S67°52'26"E, along the division line between the City of Watertown on the south, and the Town of Pamela on the north, a distance of 3110.86 feet to a point in LeRay Street, said point being located S22°07'34"W, a distance of 0.79 feet from a found city boundary monument,

said monument being located near the intersection of Damon Drive, and 33 feet northerly of the “City of Watertown” sign;

THENCE continuing S67°52′26″E, along the division line between the City of Watertown on the south and the Town of Pamela on the north, a distance of 339.23 feet to a 5/8” rebar in concrete found in the easterly street margin of Mill Street, the highway limits of U.S. Route 11 and the boundary line between the City of Watertown on the south and the Town of Pamela on the north; said rebar marking the southwesterly corner of lands annexed to the City of Watertown by Local Law No. 13 of 2005; (BROOKLINE DEVELOPMENT)

THENCE S86°56′30″E, a distance of 37.00 feet to an iron pipe found in the easterly highway limits of U.S. Route 11;

THENCE in a generally northeasterly direction, along the easterly highway margin of U.S. Route 11 and along a curve to the right at a radius of 3494.4 feet, a distance of 73.34 feet to a ½” iron pipe with cap found, said iron pipe being situate a direct tie of N05°36′23″E, and a direct tie distance of 73.34 feet from the last mentioned pipe;

THENCE S85°03′36″E, a distance of 150.00 feet to a ½” iron pipe with cap found;

THENCE N04°56′26″E, a distance of 200.00 feet to an iron pipe found;

THENCE S85°03′38″E, a distance of 267.88 feet to a point;

THENCE N10°17′34″E, a distance of 142.13 feet to a point;

THENCE N87°07′54″E, a distance of 191.51 feet to a point;

THENCE N72°00′04″E, a distance of 61.25 feet to a point;

THENCE S80°47′50″E, a distance of 824.27 feet to a point;

THENCE N87°48′16″E a distance of 31.48 feet to a point;

THENCE in a generally southeasterly direction, 40 feet westerly thereof and parallel to the westerly margin of Plaza Drive as the margin curves to the left at a radius of 789.20 feet, a distance of 275.30 feet to a point, said point being situate a direct tie of S12°11′20″E, and a direct tie distance of 273.91 feet from the last mentioned point;

THENCE S03°00′18″W, passing through a ½” iron pipe with cap found at 92.61 feet and continuing a total distance of 182.57 feet to a ½” iron pipe with cap found;

THENCE S86°58′11″E, a distance of 173.39 feet to an iron pipe with cap found in the westerly margin of Plaza Drive;

THENCE in a generally southeasterly direction, along the westerly margin of Plaza Drive as it curves to the left at a radius of 749.20 feet, a distance of 86.38 feet to a ½" iron pipe with cap found in the westerly street margin of Plaza Drive, said iron pipe being situate a direct tie of S44°05'40"E, and a direct tie distance of 86.33 feet from the last mentioned pipe;

THENCE S05°19'31"W, a distance of 498.20 feet to a ½" iron pipe with cap found in the boundary line between the City of Watertown on the south and the Town of Pamela on the north; said pipe also marking the southeasterly corner of lands annexed to the City of Watertown by Local Law No. 13 of 2005; (BROOKLINE DEVELOPMENT)

THENCE S67°52'26"E, a distance of 3852.12 feet to a city boundary monument found in the centerline of the present macadam surface of Pearl Street; said monument situated about 870 feet easterly of Fassett Street;

THENCE continuing S67°52'26"E, along the boundary line between the City of Watertown on the south and the Town of Pamela on the north, passing though a city boundary reference monument found at a distance of 2368.88 feet, and continuing a total distance of 2482.04 feet to a point, said point being the westerly corner of "Parcel B", lands annexed to the City of Watertown by Local Law No. 2 of 1998, and amended by Local Law No. 1 of 1999;

THENCE N56°08'28"E, a distance of 447.57 feet to a city boundary monument found at the northerly corner of "Parcel B";

THENCE S06°40'46"E, a distance of 423.38 feet to a point in the boundary line between the City of Watertown on the south and the Town of Pamela on the north; said point being the southerly corner of "Parcel B";

THENCE S67°52'26"E, passing through a city boundary reference monument found at 114.48 feet and continuing a total distance of 618.82 feet to a city boundary monument found with brass disc marked "City Bndry Mon 1997", said monument being located on the southerly side of gravel stock piles of "Benchmark Industries" (1997); said monument also located about 39 feet northerly from the center of an old abandoned railroad bed; said monument also located about 350 feet northerly from the centerline of Water Street, directly behind the I.B.E.W. Local Union 910;

THENCE S05°37'26"W, along the boundary line between the City of Watertown on the west and the Town of Pamela on the east, a distance of 1624.82 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the westerly street margin of the (old) Eastern Boulevard (66' wide R.O.W.), said monument being the northerly corner of "Parcel C", land annexed to the City of Watertown by Local Law No. 1 of 1999;

THENCE continuing along the boundary line between the City of Watertown on the west and the Town of Pamela on the east, in a generally southwesterly direction, along the westerly margin of Eastern Boulevard and along a curve to the right at a radius of 604.00 feet, a distance of 146.35 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the westerly street margin of Eastern Boulevard (66' wide R.O.W.), said monument being situate a direct tie

of S05°37'26"W, and a direct tie distance of 145.99 feet from the last mentioned point, said monument being the southerly corner of "Parcel C";

THENCE continuing S05°37'26"W, along the boundary line between the City of Watertown on the west and the Town of Pamela on the east, a distance of 488.97 feet to a point, said point being located N05°37'26"E along the old city boundary, a distance of 48.88 feet from a city boundary monument also known as gps monument number 140, said point being the most northwesterly corner of "Parcel A", lands annexed to the City of Watertown by Local Law No. 2 of 1998, and amended by Local Law No. 1 of 1999;

THENCE along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, along the southerly highway limits of N.Y.S. Route 3 and along a curve to the left at a radius of 1994.86 feet, a distance of 154.12 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument being situate a direct tie of N36°59'42"E, and a direct tie distance of 154.08 feet from the last mentioned point, said monument being a corner of "Parcel A";

THENCE N32°14'20"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest, a distance of 421.39 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument being a corner of "Parcel A";

THENCE N29°51'28"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest, a distance of 466.11 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A", said monument also marking a corner of a parcel of land conveyed by Florence L. Salsbury to Jefferson County Society for the Prevention of Cruelty to Animals, Inc., recorded in the Jefferson County Clerk's Office on December 18, 1957 in Liber 655 of deeds at Page 303;

THENCE N76°18'27"E, along the boundary line between the City of Watertown on the south and the Town of Pamela on the north, a distance of 637.83 feet to a concrete monument found, said monument marking a corner of "Parcel A", said monument also marking a corner of the parcel of land mentioned in the last course;

THENCE N06°23'15"W, along the boundary line between the City of Watertown on the east and the Town of Pamela on the west, a distance of 769.16 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A", said monument also marking a corner of a parcel of land mentioned in the last course;

THENCE along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, along the southerly highway limits of N.Y.S. Route 3 and along a curve to the right at a radius of 1855.49 feet, a distance of 751.06 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the

southerly highway limits of N.Y.S. Route 3, said monument being situate a direct tie of N46°31'54"E, and a direct tie distance of 745.95 feet from the last mentioned monument, said monument marking a corner of "Parcel A";

THENCE N47°39'33"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, a distance of 178.00 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A";

THENCE N60°28'18"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, a distance of 1149.12 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A";

THENCE in a generally northeasterly direction along the southerly highway limits of New York State Route 3, and said boundary line, along a curve to the right at a radius of 3893.34 feet, a distance of 495.23 feet to a city boundary monument found with brass disc marked "CB PAM 1998", said monument being situate a direct tie of N64°06'57"E, and a direct tie distance of 494.90 feet from the last mentioned monument, said monument marking a corner of "Parcel A";

THENCE S14°01'00"E, along the division line between the Town of Pamela to the east and the City of Watertown to the west, a distance of 157.29 feet to a point, said point marking a corner of "Parcel A";

THENCE N69°29'00"E, along the division line between the Town of Pamela to the north and the City of Watertown to the south, a distance of 99.00 feet to a point, said point marking a corner of "Parcel A";

THENCE S14°01'00"E, along the division line between the Town of Pamela to the east and the City of Watertown to the west, a distance of 52.80 feet to a ½" iron pipe with cap found, said iron pipe marking a corner of "Parcel A";

THENCE N67°59'00"E, along the division line between the Town of Pamela to the north and the City of Watertown to the south, passing through a ¾" iron pipe found at 235.34 feet and continuing a total distance of 440.22 feet to a point, said point marking a corner of "Parcel A";

THENCE N82°44'00"E, along said division line, a distance of 145.70 feet to a city boundary monument found with brass disc marked "CB PAM 1998", said monument being in the division line between the Town of Pamela to the northwest, and the Town of LeRay to the east, and the City of Watertown to the southwest, said monument marking the most northeasterly corner of "Parcel A";

THENCE S05°48'46"E, along the division line between the Town of LeRay to the east and the City of Watertown to the west, a distance of 195.81 feet to a point in the centerline thread of the Black River, said point marking a corner of "Parcel A";

THENCE in a generally southeasterly, southerly, southwesterly, westerly, and northwesterly direction, downriver, along the centerline thread of the Black River and the division line between the Town of LeRay to the northeast, the City of Watertown to the west and the Town of Watertown to the southeast, to a point, said point being in the division line between the Town of Watertown and the City of Watertown to the west, being situate a direct tie of S26°27'41"W, and a direct tie distance of 2371.56 feet from the last mentioned point, said point marking a corner of "Parcel A";

THENCE S00°15'34"E, a distance of 195.19 feet to a ½" iron pipe found; said iron pipe being situate 21 feet southerly from the southerly bank of the Black River at high water mark;

THENCE continuing S00°15'34"E, a distance of 102.23 feet to a ½" iron pipe found;

THENCE S80°41'27"W, a distance of 227.04 feet to a ½" iron pipe found;

THENCE S38°59'26"W, a distance of 159.00 feet to a point;

THENCE N64°45'34"W, a distance of 25.00 feet to a point;

THENCE S40°08'46"W, a distance of 530.64 feet to a ½" iron pipe found;

THENCE S28°01'50"E, a distance of 206.89 feet to a ½" iron pipe found;

THENCE S70°47'00"W, a distance of 88.70 feet to a ½" iron pipe found;

THENCE S64°16'42"W, a distance of 137.28 feet to a ½" iron pipe found;

THENCE N30°05'57"W, a distance of 16.50 feet to a ½" iron pipe found;

THENCE S60°56'32"W, a distance of 62.50 feet to a ½" iron pipe found;

THENCE S28°10'32"E, a distance of 7.19 feet to a ½" iron pipe found;

THENCE S61°49'33"W, a distance of 84.55 feet to a ½" iron pipe found;

THENCE S26°10'25"E, a distance of 23.36 feet to a point;

THENCE S60°15'28"W, distance of 231.90 feet to a point;

THENCE S26°52'37"E, a distance of 95.25 feet to a ½" iron pipe found in the northerly assumed margin of Ridge Road (Huntington Street);

THENCE in a generally southwesterly direction, along the northerly assumed margin of Ridge Road (Huntington Street), a distance of 1351.7 feet to a ½” iron pipe found; said iron pipe situate a direct tie of S59°11’04”W, and a direct tie distance of 1348.74 feet;

THENCE N16°56’50”W, a distance of 66.70 to a ½” iron pipe found;

THENCE continuing N16°56’50”W, a distance of 29.98 feet to a point on the shore of the Black River at high water mark;

THENCE in a generally southwesterly direction along the shoreline of the Black River as it winds and turns, a distance of 66.70 feet to a point on the shoreline at high water mark, said point being located a direct tie of S76°20’59”W, and a direct tie distance of 66.36 feet from the last mentioned point;

THENCE S16°55’50”E, a distance of 30.05 feet to a ½” iron pipe found;

THENCE continuing S16°55’50”E, a distance of 68.84 feet to a ½” iron pipe found in the northerly assumed margin of Ridge Road (Huntington Street);

THENCE in a generally northeasterly direction along the northerly assumed margin of Ridge Road (Huntington Street), a distance of 180.60 feet to a point in the centerline of Cold Creek, said point being located a direct tie of S88°30’09”W, and a direct tie distance of 178.06 feet from the last mentioned point;

THENCE in a generally northeasterly direction along the center of Cold Creek, a distance of 100.2 feet to a point in the shoreline of the Black River at high water mark, said point being located a direct tie of N17°22’36”E, and a direct tie distance of 98.13 feet from the last mentioned point;

THENCE in a generally northwesterly direction along the shoreline of the Black River at high water mark, as it winds and turns, a distance of about 570 feet to a point on the “original” boundary of the City of Watertown as previously described, and said point being located N63°55’44”W, and a direct tie distance of 552.76 feet from the last mentioned point;

THENCE S05°37’26”W, a distance of 40.00 feet to the point and place of beginning.

CONTAINING about 261,843,080.40 square feet (6,011.09 acres) of land.

and,

BE IT FURTHER ENACTED that this Local Law shall take effect immediately upon filing with the Secretary of State.

**Seconded by Council Member Teresa R. Macaluso**



**Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing Local Law for Monday, October 17, 2011 at 7:30 P.M.**

**Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.**

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**Council discussed the following topics:**

**City Owned Property, 138 Court Street**

Mrs. Corriveau stated that she has received inquiries on the property from Neighbors of Watertown as well as two private individuals that reside within the city.

**Attorney Andrew Capone** addressed the chair on behalf his client Alex D. Rahmi. He stated that Mr. Rahmi was the owner of this property until recently and had invested \$140,000 into it. He stated that Mr. Rahmi was unable to pay the taxes on this property because his Chevrolet dealership in Charles Town, West Virginia had financial difficulties in recent years. He stated that Mr. Rahmi recently filed a bankruptcy petition and it was dismissed by the court. He was informed on September 20, 2011 by Mr. Mills that the property would be taken by the City. His client is asking that Council allow him to repurchase this property through private sale so that he can either continue the redevelopment plan or sell it through his realtor Mr. Raso. He offered Council a cashier's check for the unpaid taxes of \$17,476.96.

Mayor Graham asked if there are any liens against the property.

Attorney Capone responded that there are no liens and Mr. Rahmi invested his own money.

Mayor Graham inquired if the intention of Mr. Rahmi was to redevelop the property.

Attorney Capone said the intention is to resell the property but if it is not sold in 45 days, there is a plan to rehabilitate it. The roof needs to be repaired to get it in condition for tenant use.

Mrs. Corriveau confirmed that the building was condemned for occupancy under Mr. Rahmi's ownership.

Council Member Burns stated Council does not look favorably on an owner that allows his property to become in such disrepair that it becomes condemned.

Council Member Butler confirmed that Mr. Rahmi's intention was to resell the property and not redevelop it. His concern is that it will take a significant amount of money to rehabilitate the

building and Mr. Rahmi may not have this funding. In addition, the building will remain in its current condition while a buyer with more robust funding might be able to accomplish this project sooner.

Mayor Graham expressed concern with Mr. Rahmi's intention to not redevelop but to acquire the property for \$17,476.96 in order to resell it for a higher dollar amount. He stated that the City could do the same thing through a private sale.

Council Member Macaluso is concerned with the timing of Mr. Rahmi's interest to rehabilitate the building after the City has taken over the ownership. She stated that the building has been left to deteriorate over the past years and she is now skeptical that Mr. Rahmi will follow through with the redevelopment.

Council Member Smith is concerned that the building will continue to deteriorate while being marketed for sale. He wondered where the capital for the repairs would come from if Mr. Rahmi is refiling for bankruptcy.

Attorney Burrows expressed concern with Mr. Rahmi refiling for bankruptcy. The property would be an asset involved in the bankruptcy filing and no further action could be taken without the permission of the trustee of the bankruptcy court.

**Randy T. Raso**, Raso Realty, addressed the chair and stated that he listed the property on July 31, 2011 for \$159,900. His company received approximately 50 inquiries about the downstairs retail space of which three are serious buyers. He stated Mr. Rahmi has already invested time and money into layout designs for apartments and repairs to the roof.

Council Member Butler inquired of the square footage of the building.

Mr. Raso responded that each floor is approximately 6,000 square foot. The first floor is designed for retail space, the second floor consists of office space and apartments and the third floor could hold a three bedroom apartment, 2 two bedroom apartments and a one bedroom apartment.

Council Member Butler questioned why the City should give the property away for \$17,476.96 when it could sell for over \$100,000. This could be an opportunity for the City to make money. In addition, he asked for the cost of the roof estimate.

Mr. Raso replied that the estimate totaled \$29,725 which included taking out the dormers, stripping the roof and repairing the roof drain.

Mrs. Corriveau commented that she has seen the condition of the roof, the second and third floor. At the time of the inspection, she did not have access to the first floor and the basement.

Council Member Macaluso pointed out that if Mr. Rahmi had given the City a check for \$17,476.96 a few weeks ago Council would not be having this discussion.

Mayor Graham confirmed that the redemption period to pay the taxes was two years which is much different than paying a day late on an electric bill.

**Gary Beasley** addressed the chair in regards to Neighbors of Watertown's interest to assist in the redevelopment of the property. He pointed out to Council that funding is available through the Regional Development Council but the deadline for the application is October 31, 2011. He stated Neighbors of Watertown is willing to partner with the City grant writers to complete the application. He commented that he has been contacted by a couple of private parties interested in the property if the City was to do a private sale. He stated that there is funding available for private developers as well. He acknowledged that Neighbors of Watertown is willing to partner with the City, a private developer or the owner of the property in the redevelopment project.

Mayor Graham asked what Neighbors of Watertown would need to do to start the application process.

Mr. Beasley responded that they would need a commitment from the City that the City wanted to partner with Neighbors of Watertown. Neighbors of Watertown would not acquire the property. The property would transfer into a limited partnership and funding would come from investors and grants.

Mayor Graham inquired if the property would be tax exempt.

Mr. Beasley responded that all the buildings his organization rehabilitates are put back on the tax roll.

Mayor Graham was concerned that the City would still own the property until the grant application was approved and wondered what would happen if the funding was not approved.

Council Member Smith inquired as to how many units the building would accommodate and whether it would be low to moderate income housing.

Mr. Beasley replied that there are eight to ten units currently but is not sure whether they are up to code. The design of the structure limits the number of units it can hold and it may only accommodate six units. He stated the funding source sets the income limits and their plan is to not apply for the low income tax credit.

Council Member Smith inquired if the private sector parties have potential to complete this project.

Mr. Beasley felt that the private sector could easily complete the retail space but it would take quite a bit of funding to finish the whole building. He also reminded Council that it is not the

intention of his organization to compete with the private sector. Usually, his organization gets involved after the building has been condemned and the private sector has shown that it cannot do the project.

Mayor Graham questioned whether the City could meet the deadline and get approval for the grant without having a definite business plan in place. He wondered if it would be better to put the property up for private sale.

Attorney Burrows asked Attorney Capone if his client's proposal was a firm offer and if it is available for a specific amount of time.

Attorney Capone reminded Council that he has his client's cashier check immediately available and would like to close this transaction as soon as possible.

Mayor Graham commented that Council could only accept an offer in writing and it would have to be approved with a 4/5 vote. A decision could not be made at this meeting.

Council Member Burns did not think Council had enough time to see a broad range of proposals in order to meet the October 31<sup>st</sup> deadline. She would like to see the Council move forward in the direction of Neighbors of Watertown.

Council Member Butler commended Neighbors of Watertown for their work done on other buildings downtown but reminded Council that Mr. Beasley's organization usually is a last resort when a building is near demolition. He still sees potential opportunities in the private sector and would like Council to pursue that avenue.

Mr. Beasley reminded Council that the private sector could be restricted by income levels as well as depending on where they obtain their funding.

Council Member Macaluso commented that she is in favor of Neighbors of Watertown working on this project.

Council Member Butler stated that from a city tax payer's prospective there is an opportunity to make money on this property and still make the downtown attractive.

Council Member Burns reminded Council that the property would be on the tax roll at fair market value regardless of whether the rehabilitation is done by Neighbors of Watertown or the private sector.

Council Member Smith does not feel that Council has given the private sector an opportunity yet. He feels Council should fast-track the private sector opportunity for a month or two and have RFP's, as opposed to a public auction. If a good RFP process fails, then Council should proceed with Neighbors of Watertown.

Mayor Graham asked if repairs needed to be done to stabilize the building for the winter.

Mrs. Corriveau responded that it was recommended by staff that the roof condition be investigated further and necessary repairs done.

Mayor Graham commented that due to the long process of obtaining funding, the building could remain in its current condition for a few years.

Mr. Beasley suggested that the leakage in the roof drain should be addressed regardless of who pursues the project to prevent further deterioration.

Mayor Graham felt that the only way to determine if there is an interest in the building is to put it up for auction.

Mrs. Corriveau reminded Council that she was approached by two interested parties and one was willing to work with Neighbors of Watertown.

Council Member Smith feels more secure in an open process than a public auction. Proposals can be reviewed for the developer's plan and track record.

Mayor Graham commented that individuals at a public auction should have a business plan in place as well before undertaking such a large project.

Council Member Smith asked if City Staff could ensure that the roof drain repair be done to prevent further damage.

Attorney Capone would like to submit a formal offer on behalf of his client and inquired on how the Council would like him to do that.

Mayor Graham suggested that he submit a written proposal to the City Clerk's Office.

In response to Mayor Graham's inquiry, Mrs. Corriveau commented that Council would need a 4/5 vote to go with Neighbors of Watertown proposal.

Mayor Graham stated that only three Council Members (Council Member Burns, Council Member Macaluso, and himself) are in support of Neighbors of Watertown proposal at this time so the October 31<sup>st</sup> deadline cannot be met. Council now needs to decide if the property should be sold through a public auction or RFP process. He also asked if Mr. Hayes could pursue options for the roof drain repair and report back at the next meeting.

Mrs. Corriveau stated that the City's perspective should be to do as little as needed to maintain the property and to not own the property through the winter months. The City should not be in the business of owning property instead it should be in the business of collecting taxes.

Council Member Smith asked if the interested parties could be contacted for further information.

Mayor Graham asked Mrs. Corriveau to report back to Council at the next meeting scheduled for October 17<sup>th</sup> in regards to the interested parties.

Mrs. Corriveau confirmed that Council is open to selling the property through a public auction or RFP process. She will inform the interested parties to present proposals to Council stating their intentions, past experiences and funding.

### **Merline Avenue – Infrastructure Installation**

Mayor Graham presented the report detailing Merline Avenue Infrastructure Installation.

Council Member Macaluso still feels that the property owners should be contacted and have input.

Council Member Burns appreciated the efforts of Staff supplying the additional information and now has second thoughts about this project. She would be interested in hearing the property owners' opinions.

Mrs. Corriveau wanted Council to know the cost and details prior to staff making phone calls to property owners in case Council receives phone calls from them. The City would also need to acquire the property required to own the street and Council needs to determine if they are prepared for that expense.

Council Member Butler asked how much money is required to own the street and what is involved in the legal process.

Mrs. Corriveau responded that Council would have to pay the property owners for the property.

Council Member Butler asked for the assessed value of the street. He feels that it cannot have much value to the owners if City is going to use it to help provide them with City water and sewer.

Mr. Mix stated that the street parcel is similar to the situation on Palmer Street in that research needs to be done to determine the heirs to the individual that owned the parcel.

Council Member Burns pointed out that Council would incur the expense of finding the owner of the street. Council would also have to pay the property owners for the right of way in front of their properties as well as construction costs associated with taking over the street to meet City code.

Mayor Graham commented that the request did not come from the property owner but from a developer.

Mr. Mix explained how the amount of the cost to the property owners was calculated at the request of Council Member Butler. He also pointed out that the developer realized that the lots are too narrow if he must put in septic tanks.

Mrs. Corriveau stated that some owners addressed Council in 1994 for assistance because lines were freezing in the winter and water pressure was low. The residents joined together and shared the expense to update the water lines.

Mayor Graham asked if the developer, Mr. Schroy has contacted the City for a status update.

Council Member Smith felt that the developer should pursue this further on his own.

Mayor Graham suggested that Mr. Schroy be given the memo with the detailed cost and he can contact the property owner himself. If he can get a neighborhood consensus then Council can address the issue further.

Mrs. Corriveau confirmed that Council wants staff to contact the developer, give him all the details of project and let him do the outreach to the property owners.

### **Bishop Street Lighting**

Mayor Graham reviewed the memo regarding the Bishop Street Lighting.

### **Water Shut-Offs**

Mayor Graham presented the report regarding Water Shut-Offs.

### **Board and Commission Appointments**

Council reviewed the listing of current and upcoming Board and Commission Appointments.

Mayor Graham stated Council needs to determine if the individuals are interested in continuing their appointments and further discussion can be at a later time.

### **Intersection of South Meadow and Stone Street**

Council Member Burns stated that she had been contacted by residents concerning safety issues at the intersection of South Meadow and Stone Streets. She asked Mrs. Corriveau to ask the Police Department to review this further.

## **Dogs Present at Events on City Owned Property**

Council Member Burns expressed her concerns of dogs present during events on City owned property in which large groups of people are in attendance. This is in follow-up to the incident at the Farmer's Market in which a small child was badly injured by a dog. She would like to have a common sense approach to the restrictions. She has discussed this with law enforcement, judges, attorneys and constituents. The general consensus is that there are certain venues such as the Farmer's Market, July 4th Concert in the park and Sporting Events at the Fairgrounds that are not appropriate for animals to attend. She would like City Staff and the City Attorney to look into this further to establish some restrictions using a common sense approach.

Mayor Graham stated he is concerned for older people, impaired people and children that might not be able to fight off a large dog. He also pointed out that most of these venues offer food service and there might be Health Department violations. The Chamber has been unable to set these restrictions because the events involve the sidewalk. He is concerned with the liability issues that arises because these events spill onto abutting privately owned property.

Council Member Burns pointed out that the restrictions should not apply to service animals.

## **City Recycling Pickup**

Council Member Butler received an email from a resident in regards to the City Recycling. He asked for clarification of the eligibility for City Recycling Pickup.

Mrs. Corriveau stated that recycling is picked up for all City Trash Customers using the blue stickers or totes. She clarified that the resident involved goes away in the summer and therefore is not a year-round City Trash Customer so the recycling is not picked up in the summertime.

Mayor Graham commented the policy is that if the City Trash Service is not used after a certain number of weeks then the individual is no longer considered a City Trash Customer. Therefore, recycling is no longer picked up.

Council Member Macaluso stated that recycling is done to limit the amount of regular trash and cost. She feels that if someone is not going to use the City Trash Service in the summer then the City should not feel obligated to pick up the recycling.

Mrs. Corriveau stated that the individual was supplied with a copy of the legislation that Council adopted. This states that if a private hauler is supplying trash service than they are responsible for the recycling as well.

Council Member Butler asked if the yard waste policy has changed.

Mr. Hayes commented that yard waste is picked up every two weeks unless there is a storm event. During the fall months, more continuous trips are done due to the leaves and yard cleanup.



## **Fencing Guidelines**

Council Member Butler noticed that the fencing issue had not been discussed according to the Planning Committee minutes.

Mrs. Corriveau reminded Council that staff was going to bring recommendations back to Council for review prior to referring the issue to the Planning Board. Mr. Mix is working with staff and the attorney to present a draft proposal at the October 17th meeting.

Mr. Mix commented that this will be a zone ordinance amendment and it is required to go to the Planning Board for recommendation. There will have to be a Public Hearing as well as a review by the County Planning Board by state law.

Council Member Butler would appreciate if staff could move the process along as quickly as possible.

## **Sunoco Zone Change Request**

Mayor Graham wanted to commend Sunoco for withdrawing the zone change request in order to work further with the neighbors in that area.

## **Street Sign Request for Soldiers**

Mayor Graham stated he received an email from soldiers in Afghanistan requesting a street sign.

Mrs. Corriveau responded that she needs to check with Colonel Frank to see if this would be appropriate.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:52 P.M. until Thursday, October 6, 2011 at 6:00 P.M. by motion of Council Member Burns, Seconded by Council Member Macaluso and carried with all voting in favor thereof.**

*Ann M. Saunders*  
Deputy City Clerk